



## STATE OF CONNECTICUT

# COUNCIL ON ENVIRONMENTAL QUALITY

April 27, 2023

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PETITION NO. 1566 - The Connecticut Light and Power Company d/b/a Eversource Energy proposed Card Substation to Wawecus Junction Upgrade Project consisting of the replacement of electric transmission line structures along its existing 12.5-mile electric transmission right-of-way shared by its existing 115-kilovolt (kV) Nos. 1080/1490 and 1080/1070 Lines between Card Substation in Lebanon, Stockhouse Road Substation in Bozrah and Wawecus Junction in Norwich, Connecticut traversing the municipalities of Lebanon, Franklin, Bozrah and Norwich, and related electric transmission line and substation improvements.

Dear Attorney Bachman:

The Council on Environmental Quality ("Council") offers the following comments regarding Petition 1566.

### 1. Best Management Practices

The Petitioner states that certain project activities, including but not limited to project work in or near wetlands, watercourses, ponds, vernal pools, and flood zones; right-of-way (ROW) restoration; procedures for protective measures for cultural resources; procedures for the proper storage, secondary containment, and handling of diesel fuel, motor oil, grease, and other lubricants; erosion and sedimentation control; invasive species identification and control; disposal of construction debris, and other construction related activities would be done in accordance with the Petitioner's April 2022 Construction & Maintenance Environmental Requirements, Best Management Practices Manual for Massachusetts, and Connecticut ("BMPs"). The Council recommends that the referenced BMPs and any external environmental quality plans and/or standards, referenced by the Petitioner, be submitted to the Siting Council for inclusion in the record, consideration, and possible incorporation into permits.

### 2. Soils

The Petitioner states that "excavated soils from the Project that cannot be used as backfill would be regraded into adjacent uplands on the ROW". The Petitioner also notes that the Project ROW extends across Federal Emergency Management Agency (FEMA)-designated 100-year and 500-year flood zones. The Council recommends that no excess soils be "regraded into adjacent uplands" within the flood zones. In addition, the Petitioner states that "excavated soil that cannot be reused on the property from which it was excavated would be transported from the Project area and properly managed off-site in accordance with Eversource BMPs and applicable regulations." The Council supports the proper management of excavated soils; however, there is no mention of the process that the Petitioner will undertake to determine if the soils are suitable to be used as backfill or regraded into adjacent uplands, or whether the soils are contaminated. The Council recommends that the Petitioner provide a management plan for the excavated soils,

including but not limited to 1) provisions for testing to determine its suitability to be used as backfill, and 2) procedures for the treatment of contaminated soils.

The Petitioner also states that “most land in the vicinity of the Project is undeveloped forest and agricultural Land”. Since the proposed project has the potential to impact farmland and agricultural soils, the Council recommends that the Petitioner 1) provide appropriate notice of the proposed work to farm owners/operators, 2) confirm that the proposed construction activities would not adversely impact farm operations, and 3) employ best practices during construction, such as minimizing grading, trenching, and compaction, to protect farmland soils which are a critical part of successful agriculture.

### **3. Vegetation**

The Petitioner states that “in resource sensitive areas, Eversource would require the contractor to use low-impact methods to remove brush vegetation to protect wetlands, vernal pools, watercourses, state-listed species and their habitats, and cultural resources” versus using mechanical methods. The Council supports the Petitioner’s proposed use of “low impact” methods for vegetation management in or proximate to critical environmental resources. The Council recommends that the areas to be designated for “low impact methods” be depicted on the project plans and that an environmental inspector ensure that the contractor(s) conforms to using such methods in the designated areas.

### **4. Erosion and Sedimentation (E&S) Controls**

The Petitioner states that “temporary gravel tracking pads would be installed at points of construction vehicle ingress/egress to minimize the potential for equipment to track dirt onto local roads” and that “project construction would conform to best management practices for E&S control, including those provided in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (“Connecticut Guidelines”) and Eversource’s BMPs”. The Council notes the importance of installing and maintaining E&S controls throughout the proposed project and supports the Petitioner’s efforts to minimize erosion on the proposed site. The Council notes that plastic netting used in a variety of erosion control products has been found to entangle wildlife, including reptiles, amphibians, birds and small mammals. The Council recommends that the Petitioner use erosion control products that avoid/minimize the potential for wildlife entanglement.

### **5. Wetlands, Watercourses and Vernal Pools**

The Petitioner notes that a total of 42 wetlands, 32 watercourses, and six vernal pools were identified in or proximate to the project area. The Petitioner also notes that proposed project activities require the replacement of six structures in wetlands and that three matted work pads and two matted access roads would be located within vernal pool envelopes (VPEs). The Council recommends that the Petitioner minimize impacts to wetlands, watercourses and the VPEs, within and near the project area, to the greatest extent possible. In addition, the Council recommends that the Petitioner utilize best development practices<sup>1</sup>, in addition to the proposed protective measures identified in Attachment E, within the VPEs and critical terrestrial habitat along the proposed project area. The Petitioner also notes that an existing staging area located at 23 New Park Avenue in the Town of Franklin would be used during project construction. The Council notes that, based on the information in Figure 2, this staging area is located within a 500-year floodzone of the Yantic River. The Council recommends that the Petitioner consult with the Department of Energy and Environmental Protection’s (DEEP) Land and Water Resources Division regarding measures to mitigate any potential adverse impacts associated with placing materials within the floodzone.

### **6. Invasive Species**

The proposed work, especially in and around the temporary work pads and temporary access roads, has the potential to introduce or expand the habitat for invasive species. The Petitioner states that invasive species have been identified within both upland and wetland work areas along the proposed project and that they would undertake measures outlined in the BMP Manual and those identified in the Petition materials (page

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<sup>1</sup> Calhoun, A. J. K. and M. W. Klemens. 2002. Best development practices: Conserving pool-breeding amphibians in residential and commercial developments in the northeastern United States. MCA Technical Paper No. 5, Metropolitan Conservation Alliance, Wildlife Conservation Society.

18) to control the potential spread of invasive species. The Council supports the measures to control the establishment and spread of invasive species and recommends that the environmental inspector ensure that the contractor(s) conforms to the requirements of the invasive species control plan.

### **7. Inspections and Education**

The Petitioner states that a Stormwater Pollution Control Plan (SWPCP) would be developed for the proposed project and that inspections of the SWPCP on the proposed site “would be performed by a qualified inspector as defined by CT DEEP’s General Permit, based on a minimum of weekly inspections and inspections within 24 hours of the end of a storm that generates a discharge that equals or exceeds 0.5 inches.” The Petitioner also states that “temporary E&S control measures would be maintained and inspected for the duration of the Project” and there are other general references to inspections for the proposed project. The Council supports the presence of an environmental inspector who would be available onsite during the construction; however, the information on the inspector’s duties and timing for inspections, other than the SWPCP, is not well documented. The Council recommends that the Petitioner provide details regarding the inspector’s duties, including but not limited to protecting any state-listed species or wildlife within the project area; protecting vernal pools and the VPEs; ensuring erosion and sedimentation controls are installed and functioning properly; and ensuring that the invasive species control plan is implemented to minimize the transport and establishment of invasive species.

The Council also recommends that prior to work onsite and initial deployment/mobilization of equipment and materials, the contractor(s) should attend a pre-construction meeting with an environmental inspector to learn about the locations of, and mitigation measures for, protection of wetland and water resources, invasive species control, stormwater management, and vegetation management to better protect environmental resources with and proximate to the proposed work areas.

### **8. Disposal of Materials**

The Petitioner states that “waste materials, such as structure components (i.e., wood and steel from the removed structures, shield wire, associated hardware, etc.) and any other construction debris would be reclaimed through the Eversource investment recovery system and/or managed/disposed of in accordance with Eversource’s BMPs, applicable regulations or recycled consistent with applicable rules and regulations”. The Council is concerned about the disposal of wood support structures, which historically were treated with chemicals, including pentachlorophenol - a highly toxic substance. It would be unfortunate if chemically treated wood poles were offered to farms and sawmills for re-use without sufficient disclosure of the hazards of working with such materials. The Council recommends that the Siting Council should require documentation of the actual method of disposal for the removed wood support structures and any other potentially hazardous materials to ensure the health and safety of the public and the environment.

The Council’s comments above address only certain elements of the materials provided by the Petitioner at the time of the filing. Additional information can become evident through comments offered by other parties and during the Siting Council’s administrative hearing process. The absence of comment(s) by this Council about any Petition or Application, or any aspects thereof, may not be interpreted as an endorsement of a proposed project, or its components or that this Council might not have comments or concerns on more specific issues raised during the hearing process.

Thank you for your consideration of the Council’s comments.

Sincerely,



Paul Aresta  
Executive Director